

October 24, 2007 BS



ADDENDUM

04SN0224

Douglas R. Sowers and Susan S. Sowers

Matoaca Magisterial District
Grange Hall Elementary, Swift Creek Middle
and Clover Hill High Attendance Zones
East line of Lacy Farm Road

REQUEST: Rezoning from Agricultural (A) to Residential (R-12).

PROPOSED LAND USE:

A single family residential subdivision with a minimum lot size of 12,000 square feet is planned. The applicants have proffered to limit the density to 2.0 dwelling units per acre, yielding 292 dwelling units. (Proffered Condition 10)

On October 23, 2007, consistent with the goals of the recently adopted Upper Swift Creek Plan the applicant has offered an additional condition to address protection of the reservoir's water quality.

Staff recommends acceptance of this additional proffer.

(NOTE: THE ADDITIONAL PROFFER WAS SUBMITTED SUBSEQUENT TO THE ADVERTISEMENT OF THE REQUEST. THEREFORE, SHOULD THE BOARD WISH TO CONSIDER THE ADDITIONAL PROFFER IT WILL BE NECESSARY TO SUSPEND THE PROCEDURES.)

Proffered Condition

13. **Stormwater Management:** The developer acknowledges that if the water quality of the Swift Creek Reservoir has reached a median level that exceeds .04 mg/l in-lake phosphorus or otherwise degrades to an unacceptable level, that the Director of Environmental Engineering may recommend that the County adopt phosphorus loading standards that are more restrictive than the standards applicable as of October 10, 2007.

To mitigate the impact of this development on the water quality of the Swift Creek Reservoir and the Upper Swift Creek Watershed, and consistent with the County's duty to exercise its police powers to protect the County's water supply, the Developer and his assignees agree that the phosphorus loading standards of the zoning ordinance applicable to any undeveloped portion of the subject property shall be those standards that are in effect at the time of subdivision approval. All substantially approvable construction plans in the Department of Environmental Engineering that have complied with the submittal criteria for review shall not be affected. (EE)



~~April 20, 2004 CPC~~
~~May 18, 2004 CPC~~
~~August 17, 2004 CPC~~
~~November 16, 2004 CPC~~
~~February 15, 2005 CPC~~
~~June 21, 2005 CPC~~
~~October 18, 2005 CPC~~
~~December 15, 2005 CPC~~
~~April 18, 2006 CPC~~
~~August 15, 2006 CPC~~
~~October 17, 2006 CPC~~
~~January 16, 2007 CPC~~
~~April 17, 2007 CPC~~
~~May 23, 2007 BS~~
~~August 22, 2007 BS~~
~~October 24, 2007 BS~~

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04SN0224

Douglas R. Sowers and Susan S. Sowers

Matoaca Magisterial District
Grange Hall Elementary, Swift Creek Middle
and Clover Hill High Attendance Zones
East line of Lacy Farm Road

REQUEST: Rezoning from Agricultural (A) to Residential (R-12).

PROPOSED LAND USE:

A single family residential subdivision with a minimum lot size of 12,000 square feet is planned. The applicants have proffered to limit the density to 2.0 dwelling units per acre, yielding 292 dwelling units. (Proffered Condition 10)

(NOTE: IN ORDER FOR THE BOARD TO CONSIDER THIS CASE AT THEIR OCTOBER PUBLIC HEARING, A \$250.00 DEFERRAL FEE MUST BE PAID FOR THE PREVIOUS DEFERRAL FROM MAY TO AUGUST.)

PLANNING COMMISSION RECOMMENDATION

RECOMMEND DENIAL.

(STAFF NOTE: SINCE THE COMMISSION’S CONSIDERATION OF THIS CASE, THE UPPER SWIFT CREEK PLAN AMENDMENT HAS BEEN ADOPTED.)

STAFF RECOMMENDATION

Recommend approval subject to the applicant addressing the goals of the Upper Swift Creek Plan regarding water quality in the watershed. This recommendation is made for the following reasons:

- A. The proposed zoning and land use complies with the Upper Swift Creek Plan which suggests the property is appropriate for residential development of 2.0 dwelling units per acre or less.
- B. The proposal addresses the impacts on capital facilities consistent with the Board’s policy.
- C. To date, the applicant has failed to address the goals of the Plan regarding water quality in the watershed.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNERS MAY PROFFER OTHER CONDITIONS.)

PROFFERED CONDITIONS

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, or themselves and their successors or assigns, amend as follows their previously submitted proffers that the development of the property is known as Chesterfield County Tax ID 695-695-3122-00000, 695-697-8107-00000 and 696-695-7571-00000 (the “Property”) under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-12 is granted. In the event the requested is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

- (STAFF) 1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
- (STAFF) 2. The public water and wastewater systems shall be used. (U)
- (STAFF) 3. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of each building permit for infrastructure improvements within the service district for the property:

- A. The amount approved by the Board of Supervisors not to exceed \$11,500 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
- B. Provided, however, that if any building permits issued on the Property are for senior housing as defined in the proffer on age restriction, the applicant subdivider, or assignee(s) shall pay \$5,991 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006. At the time of payment, the \$5991 will be allocated pro-rata among the facility costs as follows: \$786 for parks and recreation, \$402 for library facilities, \$4,380 for roads, and \$423 for fire stations. Payments in excess of \$5,991 shall be prorated as set forth above.
- C. Cash proffer payments shall be spent for the purposes proffered or otherwise permitted by law.
- D. If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements, (the "Improvements"), then the transportation component in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements so long as the cost is of equal or greater value than that which would have been collected through the payment(s) of the road component of the cash proffer as determined by the Transportation Department. Once the sum total amount of the cash proffer credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the Applicant shall commence paying the cash proffer as set forth in this Proffered Condition as adjusted for the credit. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the Applicant shall receive prior written approval by the Transportation Department for the Improvements and any credit amount.

(STAFF) 4. Phasing. No lots shall be recorded until January 1, 2007. Thereafter, a maximum of 100 lots may be recorded prior to January 1, 2008, a cumulative maximum of 200 lots may be recorded prior to January 1, 2009, with the remaining lots recorded after said January 1, 2009. (P)

- (STAFF) 5. In conjunction with recordation of the initial subdivision plat and prior to the dedication/recordation of the easement described in Proffered Condition 12, a ninety (90) foot wide right-of-way for an east/west major arterial (the “East/West Arterial”) from the eastern Property line to the western Property line shall be dedicated, free and unrestricted, to and for the benefit Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department. (T)
- (STAFF) 6. No direct access shall be provided from the Property to Lacy Farm Road. (T)
- (STAFF) 7. Prior to any tentative subdivision approval, an access plan for the East/West Arterial shall be submitted to and approved by the Transportation Department. Access for the property shall conform to the approved access plan. (T)
- (STAFF) 8. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
- a. Construction of two (2) lanes of the East/West Arterial to VDOT Urban Minor Arterial standards (50 MPH) with modifications approved by the Transportation Department, from the eastern property line to the western property line;
 - b. Construction of left and right turn lanes along the East/West Arterial at each approved access, if warranted, based on Transportation Department standards;
 - c. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified in Proffered Condition 8. (T)
- (STAFF) 9. Prior to any subdivision construction plan approval, a phasing plan for the required improvements, as identified in Proffered Condition 8, shall be submitted to and approved by the Transportation Department. (T)
- (STAFF) 10. Density. Development shall be limited to no more than two (2) dwelling units per acre. (P)
- (STAFF) 11. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Housing Law, and such other applicable federal, state, or local legal requirements, dwelling units may be restricted to “housing for older persons” as defined in the Virginia Fair Housing Law and shall have no persons under 19 years of age domiciled therein (“Age-Restricted Dwelling Units”). Lots, Tracts, or Sub-Tracts for Age-

Restricted Dwelling Units shall be grouped together on a particular portion of the Property and shall not be scattered among other residential dwelling units. At the time of recordation of a subdivision plat the lots shall be noted as age-restricted. (P)

- (STAFF) 12. The developer shall provide a trail along the length of Marshall Branch. The exact length, width and treatment of the trail shall be approved by the Parks and Recreation Department. The trail may be dedicated to the County, or a public access easement granted to the County, or it may be owned and maintained by a Homeowners' Association. (P&R)

GENERAL INFORMATION

Location:

East of Lacy Farm Road, north of Ahern Road. Tax IDs 695-695-3122, 695-697-8107 and 696-695-7571 (Sheet 8).

Existing Zoning:

A

Size:

146.0 acres

Existing Land Use:

Single family residential

Adjacent Zoning and Land Use:

North, South, East and West - A; Single family residential or vacant

UTILITIES

Public Water System:

A sixteen (16) inch water line extends along part of Genito Road and terminates approximately 17,900 feet (3.4 miles) east of the request site. This site is within the pressure zone of the future Grange Hall Water Tank, planned for construction with the development of Magnolia Green. Use of the public water system is intended and has been proffered (Proffered Condition 2). Use of the public system is required by Code; therefore, this proffer could be withdrawn.

Public Wastewater System:

A fifty-four (54) inch wastewater trunk line extends along the north side of Genito Road, adjacent to the Swift Creek Reservoir, approximately 20,250 feet (3.8 miles) east of this site. To provide public wastewater service, appropriately sized off-site wastewater trunk lines will have to be constructed along Swift Creek and Turkey Branch from the existing trunk line to this site. Use of the public wastewater system is intended and has been proffered (Proffered Condition 2). Use of the public system is required by Code; therefore, this proffer could be withdrawn.

ENVIRONMENTAL

Drainage and Erosion:

The property drains southeast through Marshall Branch to Swift Creek and ultimately into Swift Creek Reservoir. There are no existing or anticipated on- or off-site drainage or erosion problems. The majority of the property is wooded and should not be timbered without first obtaining a land disturbance permit from the Environmental Engineering Department (Proffered Condition 1). This will insure adequate erosion control measures are in place prior to any timbering.

Water Quality:

The stream (Marshall Branch) that bisects the property has a Riparian Corridor Management Area (RCMA) buffer adjacent to it. These RCMA areas lie within the boundaries of the calculated floodplain for the stream and have been designated to perform a pollutant removal function as part of the Watershed Management Plan for the Swift Creek Reservoir. As such, permitted activities in these areas are limited.

Staff suggests the developer request a site-specific evaluation as to whether the stream on the property has perennial flow. Recent changes to the State Regulations pertaining to the Chesapeake Bay Preservation Act require that such evaluations be conducted. Should the stream be determined to be perennial, the RCMA boundary might require redefinition.

Development will be subject to Ordinance relative to water quality in the Upper Swift Creek Watershed. With the adoption of the amended Upper Swift Creek Plan, a goal was adopted suggesting that residential developers address the impact of their development on water quality.

Such conditions could include (i) implementing phosphorus loading standards that are more restrictive than the standards of the Zoning Ordinance; (ii) implementing more restrictive requirements for zoned but undeveloped land if notified by the Director of Environmental Engineering that the water quality of the Swift Creek Reservoir has reached a median level that exceeds .04 mg/l in-lake phosphorus for two (2) consecutive years, or exceeds other applicable water quality standards; and/or (iii) implementing other

measures approved by the Director of Environmental Engineering to address the impact of development on water quality in the Upper Swift Creek Watershed.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. This development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that emergency services calls are expected to increase forty-five (45) percent by 2015. Eight (8) new fire/rescue stations are recommended for construction by 2015 in the Plan. Based on 292 dwelling units, this request will generate approximately forty-six (46) calls for fire and emergency medical services each year. The proffers address the impact on fire and emergency medical services (EMS). (Proffered Condition 3)

The Swift Creek Fire Station, Company Number 16, currently provides fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

Schools:

Approximately 150 (Elementary: 66, Middle: 37, High: 47) students will be generated by this development. The enrollment is based on September 29, 2006 and the capacity is as of 2006-2007.

This site lies in the Grange Hall Elementary School attendance zone: capacity - 851, enrollment - 925; Swift Creek Middle School zone: capacity - 1,027, enrollment - 1,455; and Cosby High School zone: capacity - 1,750, enrollment - 1,212.

This request will have an impact on the elementary and middle school involved. There are currently four (4) trailers at Grange Hall, Seventeen (17) at Swift Creek Middle and eleven (11) trailers at Clover Hill High.

The new Winterpock Elementary School is scheduled to open this fall and the new Tomahawk Middle School is scheduled to open in 2008. The new elementary school will provide relief for Spring Run and Grange Hall Elementary and the new middle school will provide relief for schools in this area of the county. This area of the county continues to experience growth and these schools will provide much needed space.

This case, combined with other tentative residential developments and zoning cases in the zones, would continue to push these schools to capacity. This case could necessitate some form of relief in the future.

The applicant has addressed the impact on schools. (Proffered Condition 3)

Libraries:

Consistent with Board of Supervisors' Policy, the impact of development on library services is assessed Countywide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County. Even if the facility improvements that have been made since the Plan was published are taken into account, there is still an unmet need for additional library space throughout the County.

Development in this area would most likely impact the existing Midlothian Library, the Clover Hill Library or a proposed new branch in the Genito Road area. The Public Facilities Plan indicates a need for additional library space in this area of the County. The proffers address the impact on library facilities. (Proffered Condition 3)

Parks and Recreation:

The Public Facilities Plan identifies the need for four (4) new regional parks. In addition, there is currently a shortage of community park acreage in the County. The Public Facilities Plan identifies a need for 625 acres of regional park space and 116 acres of community park space by 2015. The Plan also identifies the need for neighborhood parks and special purpose parks and makes suggestions for their locations and identifies the unmet demand for greenways. This development will have an impact on parks and recreation facilities. The proffers address the impact on parks and recreational facilities. (Proffered Condition 3)

The Upper Swift Creek Plan identifies Lacy Farm as an historic resource and states that "private action" to preserve historic resources should be encouraged. Lacy Farm was built prior to 1820 and was carefully renovated in the 1980s. Representatives from The Chesterfield Historical Society have visited the site and note that little is left of the original structure and also note that extensive renovations have contributed to a loss of historical significance of the structure. They recommend that the landowner work with them if the house is demolished to create a record for future study.

The Upper Swift Creek Plan suggests that corridors along the perennial tributaries of Swift Creek Reservoir should be preserved to maintain natural vegetation, wildlife habitats, natural drainage patterns and the water quality of the reservoir, while also permitting passive recreation for residents or employees in adjoining development. Therefore, the Plan recommends the provision of conservation: passive recreation areas along Marshall Branch. The applicants have agreed to provide such areas. (Proffered Condition 12)

Transportation:

The property (146 acres) is currently zoned Agricultural (A). The applicant is requesting rezoning to Residential (R-12), and has proffered that development will not exceed two (2) units per acre (Proffered Condition 10). Based on single-family trip rates, development could generate approximately 2,790 average daily trips. These vehicles could be initially distributed through the adjacent property to the west to Moseley Road, which had a 2006 traffic count of 413 vehicles per day (VPD).

The Thoroughfare Plan identifies a proposed east/west major arterial (the “East/West Arterial”), with a recommended right of way width of ninety (90) feet, extending from Moseley Road, through the property, across Mount Hermon Road and Old Hundred Road to Woolridge Road Extended. As this part of the county continues to develop, the East/West Arterial will provide relief to many of the existing roads in this area, especially east/west travel on Midlothian Turnpike and Genito Road. The applicant has proffered to dedicate a ninety (90) foot wide right of way for the East/West Arterial through the entire property. (Proffered Condition 5)

Access to major arterials, such as the East/West Arterial, should be controlled. The applicant has proffered that an access plan will be submitted, at time of tentative subdivision review for Transportation Department review and approval, which shows access from the property to the East/West Arterial (Proffered Condition 7). Access to the East/West Arterial will be based on the approved access plan.

The traffic impact of this development must be addressed. Lacy Farm and Ahern Roads, both of which are in the State Highway System, currently provide access from the property to Moseley Road. Lacy Farm Road is a narrow, partially graveled roadway with no shoulders. Ahern Road is a paved road approximately thirteen (13) feet wide with no shoulders and poor vertical and horizontal alignment. Development should not occur along these roads until they are reconstructed to handle the increase in traffic. The property has frontage only along Lacy Farm Road. The applicant has proffered that no direct access will be provided from the property to Lacy Farm Road (Proffered Condition 6). Other than Lacy Farm Road, currently there is no public road access to the property. In order to develop the property, the applicant would need to obtain access through adjacent properties; such as an extension of the East/West Arterial from Moseley Road or Mount Hermon Road, or obtain public road access south to Genito Road.

The Subdivision Ordinance requires that subdivision streets must conform to the Planning Commission Stub Road Policy, which suggests that traffic volumes on those streets should not exceed an acceptable level of 1,500 vehicles per day. In accordance with the Stub Road Policy, residential collector streets may be required through parts of the property; especially, those streets that will serve future development on adjacent properties. Specific recommendations regarding the need for these residential collector streets will be addressed at time of tentative subdivision review.

The applicant has also proffered to: 1) construct two (2) lanes of the East/West Arterial from the eastern property line to the western property line; and 2) construct left and right turn lanes along the East/West Arterial at each approved access, based on Transportation Department standards (Proffered Condition 8). Based on Transportation Department standards, left and right turn lanes along the East/West Arterial are anticipated to be warranted at each collector street intersection.

Most area roads in this part of the county have little or no shoulders, fixed objects adjacent to the edge of the pavement and poor vertical and horizontal alignments. The roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Sections of Moseley Road have approximately eighteen (18) feet of pavement with no shoulders. Moseley Road can accommodate (Level of Service B) the low volume of traffic (413 VPD) it currently carries. As development continues in this part of the county, traffic volumes on area roads will substantially increase. The applicant has proffered to contribute cash towards mitigating the traffic impact of this development. The amount is consistent with the Board's policy (Proffered Condition 3). Proffered Condition 3 would also allow, upon mutual agreement of the Transportation Department and the applicant, the applicant to provide road improvements equal to the cost of such payment(s). This option will be considered at the time of tentative subdivision plat review. Cash proffers alone will not cover the cost of the improvements needed to accommodate the traffic increases. There are no public road improvements for this area currently included in the Six-Year Improvement Plan, or are expected to be in the Plan in the near future because of other priorities.

At the time of tentative subdivision review, specific recommendations will be provided regarding access, the internal street network and providing stub road rights-of-way to adjacent properties.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	292*	1.00
Population Increase	794.24	2.72
Number of New Students		
Elementary	65.99	0.23
Middle	36.79	0.13
High	46.72	0.16
TOTAL	149.50	0.51
Net Cost for Schools	1,615,344	5,532
Net Cost for Parks	230,388	789
Net Cost for Libraries	117,968	404
Net Cost for Fire Stations	124,100	425
Average Net Cost for Roads	1,284,508	4,399
TOTAL NET COST	3,372,308	11,549

*Based on a proffered maximum of two (2) dwelling units per acre (Proffered Condition 10). The actual number of units and corresponding impacts may vary.

This case was originally evaluated using the FY2004 maximum cash proffer of \$9,000 per dwelling unit. Since the Commission originally heard this case, the Board has adopted the FY2007 maximum cash proffer of \$15,600 per dwelling unit. Per the Board's cash proffer policy, a development proposal is subject to one change in the policy between the time the application is submitted and when the case is decided by the Board. This case is now subject to the \$11,500 per unit impact. The applicant has been advised of the change. The applicant has been further advised that a maximum proffer of \$5,991 per unit would defray the cost of the age-restricted portion of the proposed development, as it will have no increased impact on school facilities. The calculations for this development's impact are based on .51 students per household, not .53. This does not necessarily indicate that the development will not yield a higher number of students.

Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities (Proffered Condition 3). In addition to addressing the impact on schools, parks, libraries, and fire stations, the proffered conditions provide the county with the option to accept road cash proffer payments on a per dwelling unit basis prior to the release of building permits or allow the applicant to provide road improvements in lieu of the road cash proffer payment or in conjunction with a reduced road cash proffer payment (Proffered Condition 3.D.). The proffered

conditions, as offered in this case, adequately address the impact of this development on capital facilities.

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for residential use of 2.0 dwelling units per acre or less.

Area Development Trends:

Area properties are zoned Agricultural (A) and are occupied by single family residential dwellings or are currently vacant. As noted previously an amendment to the Plan, drafted by staff suggests that development in this area should be deferred.

Phasing:

To address concerns of the Matoaca District Commissioner, the applicant has offered a phasing condition. (Proffered Condition 4)

Age Restriction:

The proffers address a reduced cash proffer for any units that have an occupancy restriction related to persons under nineteen (19) years of age. While the cash proffer is consistent with the Board's cash proffer policy, future enforcement of this restriction will be difficult. (Proffered Condition 11)

CONCLUSIONS

The proposed zoning and land use complies with the Upper Swift Creek Plan which suggests the property is appropriate for residential development of 2.0 dwelling units per acre or less. Further, the proposal addresses the impact on capital facilities consistent with the Board's policy.

To date, however, the applicant has not offered measures to address the impact of the development on the water quality in the watershed.

Given this consideration, approval of this request is recommended.

CASE HISTORY

Planning Commission Meeting (4/20/04):

On their own motion, the Commission deferred this case to their May 18, 2004, public hearing.

Staff (4/21/04):

The applicants were advised in writing that any significant new or revised information should be submitted no later than April 26, 2004, for consideration at the Commission's May 18, 2004, public hearing.

Staff (4/26/04):

To date, no new information has been received.

Planning Commission Meeting (5/18/04):

At the request of the applicants, the Commission deferred this case to their August 17, 2004, public hearing.

Staff (5/19/04):

The applicants were advised in writing that any significant new or revised information should be submitted no later than June 17, 2004, for consideration at the Commission's August 17, 2004, public hearing. Also, the applicants were advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicants (6/3/04):

The deferral fee was paid.

Staff (7/21/04):

To date, no new information has been received.

Planning Commission Meeting (8/17/04):

At the request of the applicants, the Commission deferred this case to November 16, 2004.

Staff (8/18/04):

The applicants were advised in writing that any significant new or revised information should be submitted no later than September 13, 2004, for consideration at the Commission's November 16, 2004, public hearing. Also, the applicants were advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicants (8/30/04):

The applicant paid the \$250.00 deferral fee.

Applicants (10/26/04):

An additional proffered condition was submitted.

Planning Commission Meeting (11/16/04):

At the request of the applicants, the Commission deferred this case to February 15, 2005.

Staff (11/17/04):

The applicants were advised in writing that any significant, new or revised information should be submitted no later than December 13, 2004, for consideration at the Commission's February 15, 2005, public hearing.

Also, the applicants were advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicants (11/24/04):

The \$250.00 deferral fee was paid.

Staff (1/3/05):

To date, no new information has been received.

Planning Commission Meeting (2/15/05):

At the request of the applicants, the Commission deferred this case to June 21, 2005.

Staff (2/16/05):

The applicants were advised in writing that any significant, new or revised information should be submitted no later than April 18, 2005, for consideration at the Commission's June 21, 2005, public hearing.

Also, the applicants were advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicants (3/3/05):

The deferral fee was paid.

Applicants and Staff (5/13/05):

A meeting was held to discuss the request. In addition, amended proffered conditions were submitted.

Applicants (5/20/05):

A revised proffered condition relative to density was submitted.

Planning Commission Meeting (6/21/05):

At the request of the applicants, the Commission deferred this case to October 18, 2005.

Staff (6/22/05):

The applicants were advised in writing that any significant, new or revised information should be submitted no later than August 8, 2005, for consideration at the Commission's October 18, 2005, public hearing.

Also, the applicants were advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicants (7/6/05):

An amendment to the proffered conditions was submitted.

Applicants (7/8/05):

The deferral fee was paid.

Planning Commission Meeting (10/18/05):

On their own motion, the Commission deferred this case to December 15, 2005.

Staff (10/19/05):

The applicants were advised in writing that any significant, new or revised information should be submitted no later than October 24, 2005, for consideration at the Commission's December 15, 2005, public hearing.

Staff (11/23/05):

To date, no new information has been received.

Planning Commission Meeting (12/15/05):

At the request of the applicant, the Commission deferred this case to April 18, 2006.

Staff (12/16/05):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than February 13, 2006, for consideration at the Commission's April 18, 2006, public hearing.

Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (1/9/06):

The deferral fee was paid.

Applicant (3/29/06):

Revised proffered conditions were submitted. In addition, the applicants requested deferral to the August 15, 2006, Planning Commission meeting.

Planning Commission Meeting (4/18/06):

At the request of the applicant, the Commission deferred this case to August 15, 2006.

Staff (4/19/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than June 12, 2006, for consideration at the Commission's August 15, 2006, public hearing.

Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (5/4/06):

The deferral fee was paid.

Staff (7/21/06):

To date, no new information has been received.

Planning Commission Meeting (8/15/06):

At the request of the applicant, the Commission deferred this case to October 17, 2006.

Staff (8/17/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than August 21, 2006, for consideration at the Commission's October 17, 2006, public hearing.

Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (9/6/06):

The deferral fee was paid.

Staff (9/27/06):

To date, no new information has been received.

Planning Commission Meeting (10/17/06):

At the request of the applicant, the Commission deferred this case to January 16, 2007.

Staff (10/18/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than November 13, 2006, for consideration at the Commission's January 16, 2007, public hearing.

Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's hearing.

Applicant (11/6/06):

The deferral fee was paid.

Staff (12/1/06):

To date, no new information has been received.

Planning Commission Meeting (1/16/07):

At the request of the applicant, the Commission deferred this case to April 17, 2007.

Staff (1/16/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than February 12, 2007, for consideration at the Commission's April 17, 2007, public hearing.

Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (2/2/07):

The deferral fee was paid.

Staff (3/23/07):

To date, no new information has been submitted.

Planning Commission Meeting (4/17/07):

The applicant did not accept the recommendation. There was opposition present expressing concerns relative to water quality, impacts on public facilities, sprawl, and health, safety and welfare.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission recommended denial.

AYES: Messrs. Gecker, Gulley, Bass, Litton and Wilson.

Board of Supervisors' Meeting (5/23/07):

The applicant requested a deferral. There was opposition present to the deferral requesting that the case move forward.

Mrs. Humphrey indicated that a deferral would allow time for the Upper Swift Creek Plan Amendment to be considered.

At the request of the applicant, the Board deferred this case to their August public hearing.

Staff (5/24/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than May 29, 2007, for consideration at the Board's August public hearing.

The applicant was also advised that a \$250.00 deferral fee was due.

Staff (7/19/07):

To date, no new information has been received, nor has the deferral fee been paid.

Board of Supervisors' Meeting (8/22/07):

At the applicant's request, the Board deferred this case to their October 24, 2007, meeting.

Staff (8/23/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than August 29, 2007, for consideration at the Board's October public hearing.

The applicant was also advised that a \$250.00 deferral fee was due.

Applicant (8/31/07):

The deferral fee for October was paid.

Staff (10/12/07):

To date, no new information has been received.

The Board of Supervisors, on Wednesday, October 24, 2007, beginning at 6:30 p.m., will take under consideration this request.

This page is blank.

POWHATAN COUNTY

SOUTHERN RIVER ROAD

LACY FARM RD

MOSELEY RD

AHERN RD

BAILEY FARM RD

GENITO RD

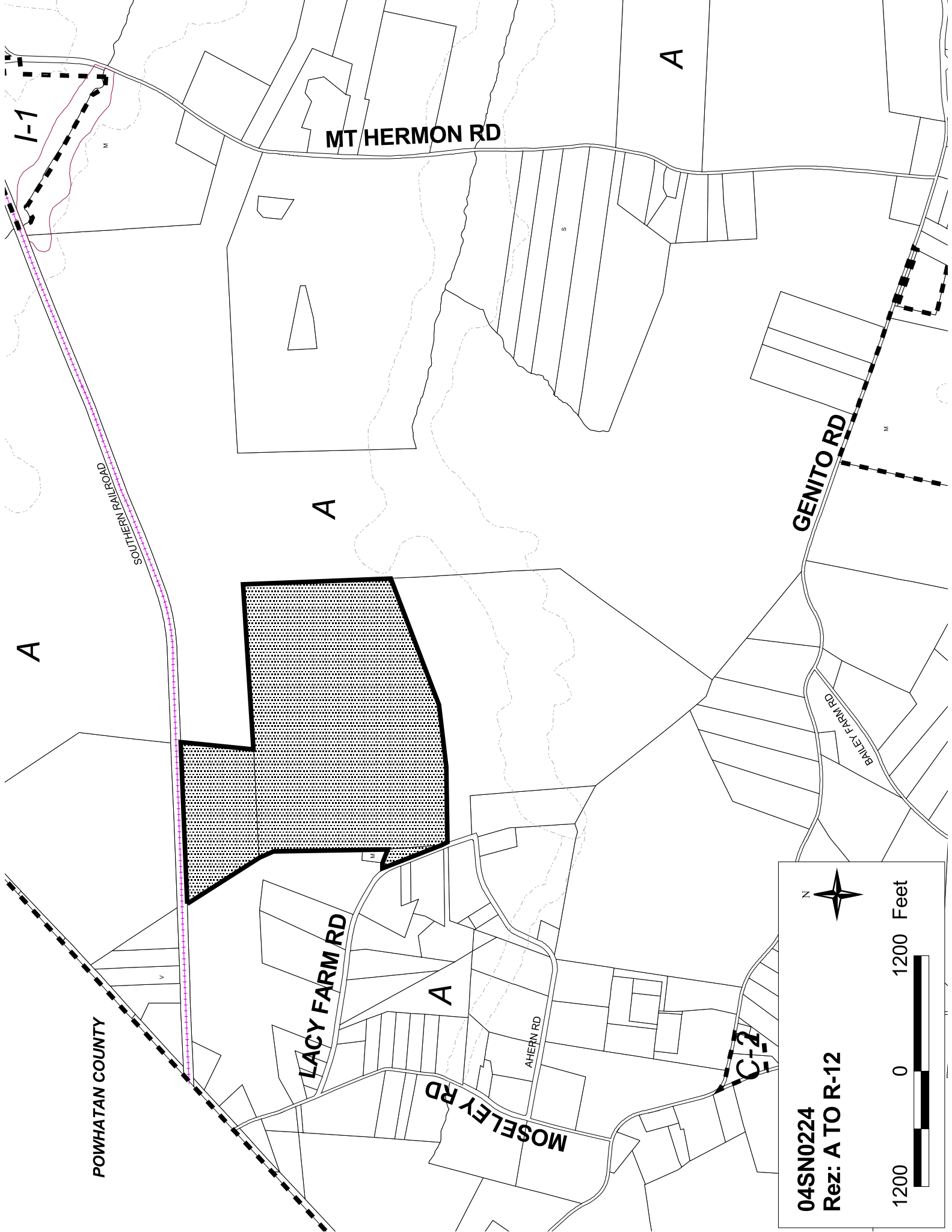
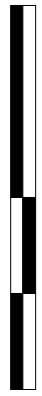
MT HERMON RD

04SN0224

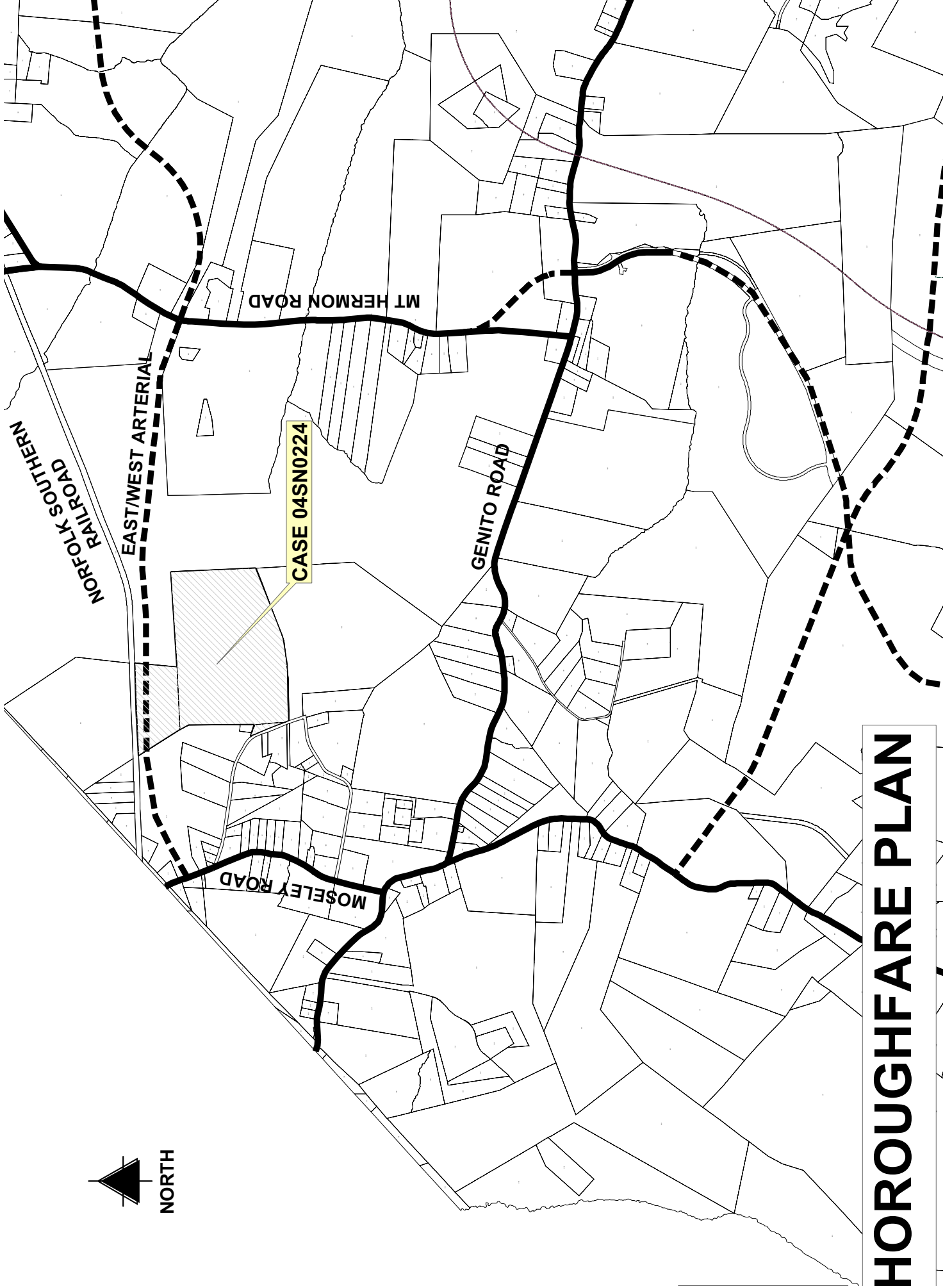
Rez: A TO R-12



1200 0 1200 Feet



This page is blank.



04SN0224-1

THOROUGHFARE PLAN

This page is blank.